



## Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands and Waterways

401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands

# BRP WW 10 Major Project Certification

# BRP WW 11 Minor Project Certification

## Instructions and Supporting Materials

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### Table of Contents

- Introduction
- Guidance
- Permit fact sheet
- Completeness checklist
- DEP addresses and phone numbers
- Application form

### Introduction

DEP *Permit Applications*, as well as *Instructions & Support Materials*, are available for download from the DEP Web site at [mass.gov/dep](http://mass.gov/dep) in two file formats: Microsoft Word™ and Adobe Acrobat PDF™. Either format allows documents to be printed.

*Instructions & Support Materials* files in Microsoft Word™ format contain a series of documents that provide guidance on how to prepare a permit application. Although we recommend that you print out the entire package, you may choose to print specific documents by selecting the appropriate page numbers for printing.

*Permit Applications* in Microsoft Word™ format must be downloaded separately. Users with Microsoft Word™ 97 or later may complete these forms electronically.

Permitting packages in Adobe Acrobat PDF™ format combine *Permit Applications* and *Instructions & Support Materials* in a single document. Adobe Acrobat PDF™ files may only be viewed and printed without alteration. *Permit Applications* in this format may not be completed electronically.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands and Waterways  
401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands  
**BRP WW 10 Major Project Certification**  
**BRP WW 11 Minor Project Certification**  
**Guidance**

---

**Item A-1:** There are two categories of water quality certification: major project (BRP WW 10) and minor project (BRP WW 11) certifications.

**Major Fill/Excavation Project Certification (BRP WW 10):**

Major Fill/Excavation Project Certification includes projects with:

- a cumulative loss of more than 5,000 square feet of bordering and isolated vegetated wetland and land under water, except for routine maintenance projects meeting the criteria of 314 CMR 9.04(5) and agricultural limited projects meeting the criteria of 314 CMR 9.04(1); or
- a loss of any amount of vegetated wetland or land under water involving outstanding resource waters, rare species in an isolated vegetated wetland, salt marsh, an individual 404 permit, or activities where DEP invokes discretionary authority pursuant to 314 CMR 9.04(11) to require an application for an individual water quality certification.

**Minor Fill/Excavation Project Certification (BRP WW 11):**

Minor project certification includes projects with:

- a cumulative loss of up to 5,000 square feet of bordering and isolated vegetated wetland and land under water involving real estate subdivisions required to file applications for individual water quality certifications under the provisions of 314 CMR 9.04(3), activities exempt under MGL Chapter 131, section 40, under the provisions of 314 CMR 9.04(4), or any activity subject to the provisions of 314 CMR 9.04(13); or
- a cumulative loss of more than 5,000 square feet of vegetated wetland or land under water involving routine maintenance meeting the criteria of 314 CMR 9.04(5); or
- any cumulative loss of vegetated wetland or land under water involving an agricultural limited product meeting the criteria of 314 CMR 9.04(10). Fill/Excavation Project Certification (BRP WP 10)



## **Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands and Waterways

401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands

# **BRP WW 10 Major Project Certification**

# **BRP WW 11 Minor Project Certification**

# **Guidance**

---

### **Projects Excluded from 401 Review:**

The following project categories will be certified by DEP provided the specified conditions of 314 CMR 9.03 are met. No Water Quality Certification application need be filed for such projects unless the impacts to resource areas, or the project size increases from the description filed with the Notice of Intent, or there are any inaccuracies therein, in which case the applicant must notify DEP and request a determination that the criteria of 314 CMR 9.03 have been met before the activity begins.

- Projects not listed above as requiring a major or minor project certification, provided that such projects: have obtained a Final Order of Conditions permitting work which results in the loss of no more than 5,000 square feet cumulatively of bordering and isolated vegetated wetlands and land under water; meet the other conditions contained in 314 CMR 9.03(1).
- Beach nourishment activities with a Final Order of Conditions under the Wetlands Protection Act.
- Dredging and dredged material disposal projects not listed above as requiring a major or minor project certification, provided that a Final Order of Conditions has been issued.
- Agriculture or aquaculture exempt under the Wetlands Protection Act, in accordance with the provisions 314 CMR 9.03 (4).
- Projects in isolated vegetated wetlands not subject to the Wetlands Protection Act which will result in the loss of up to 5,000 square feet cumulatively of bordering and isolated vegetated wetlands and land under water, provided that there is no discharge of dredged or fill material in any habitat for rare and endangered species or to any Outstanding Resource Water.
- Activities that are temporary in nature, have negligible impacts, and are necessary for planning and design purposes such as the installation of monitoring wells, exploratory borings, sediment sampling, and surveying, provided that the requirements of 314 CMR 9.04 (6) are met.

**Items A-2, A-3:** Self explanatory.

**Items B-1, B-2:** Self explanatory.

**Item B-3:** Describe the project purpose. Examples of project purposes include (1) real estate subdivision, (2) commercial/ industrial development and (3) public roadway/ utility construction. Indicate if the proposed project is water-dependent or nonwater-dependent.



## Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands and Waterways

401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands

# BRP WW 10 Major Project Certification

# BRP WW 11 Minor Project Certification

## Guidance

---

**Item B-4a:** Please enclose a copy of the complete Notice of Intent submitted to the local Conservation Commission, including plans, if the project is subject to the Massachusetts Wetland Protection Act (WPA), Chapter 131, section 40, and its regulations, 310 CMR 10.00. To avoid processing delays, if plans are revised during the local review process, an additional copy of the revised plans should be submitted concurrently to DEP in support of this application for water quality certification. Please provide the following information if it is not already shown on the Notice of Intent or supporting documents and plans:

- plans showing boundary and location of all bordering and isolated vegetated wetlands, land under water and coastal wetlands;
- information that describes the existing site conditions;
- information that describes the post-construction conditions of the site;
- information that describes the proposed activity;
- names of all waterbodies;
- direction and flow of rivers and streams;
- name of river basin or embayment;
- mitigation measures proposed to protect waters and wetlands;
- location and area of any wetland replication areas proposed;
- location of certified vernal pools;
- location of any isolated vegetated wetland identified as habitat for rare and endangered species by the Division of Fisheries and Wildlife Natural Heritage Program; and
- storm water management plan and drainage calculations.

If the project is not subject to the WPA, please refer to Item C-1 for further instructions.

**Item B-4b:** Include the DEP Notice of Intent file number, if available.

**Item B-5:** Calculate the loss in square feet of each resource area type. Include bordering vegetated wetlands, isolated vegetated wetlands, land under water (including coastal waters) and salt marsh to be filled, flooded, drained, excavated, backfilled, or graded. For clarification concerning these jurisdictional boundaries, please consult the U.S. Army Corps of Engineers at 1-800-362-4367.

### Wetland Delineation

- a. Bordering vegetated wetland boundary delineation should be conducted in accordance with 310 CMR 10.55 (2), unless the U.S. Army Corps of Engineers has already field-verified a federal delineation of these wetlands.
- b. Isolated vegetated wetland boundary delineation should be conducted in accordance with federal methods, unless the U.S. Army Corps of Engineers has already field-verified a federal delineation of these wetlands. (See DEP Delineation Handbook for Delineating BVWs Under the Mass. WPA for guidance.)



## Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands and Waterways

401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands

# BRP WW 10 Major Project Certification

# BRP WW 11 Minor Project Certification

## Guidance

---

- c. The boundary of land under water for coastal waters is defined at 310 CMR 10.25 (2) and at 310 CMR 10.56 (2) for inland waters, unless the U.S. Army Corps of Engineers has already field-verified a federal determination as to the boundary.
- d. Calculate the total cumulative loss for bordering and isolated vegetated wetland and land under water.
- e. Salt marsh boundary delineation should be conducted in accordance with 310 CMR 10.32, unless the U.S. Army Corps of Engineers has already approved a federal delineation of these wetlands.

**Item B-6a:** Notice must be published in the *Environmental Monitor* for projects proposed in ORWs. Proof of publication must be submitted as part of a complete Application (copy of the Environmental Monitor notice).

**Item B-6b:** For any real estate subdivision, the following information must be submitted with the application:

- a. location of roads, driveways, sidewalks, drainage, utilities, lot lines for all lots as defined in the Subdivision definition at 314 CMR 9.02, and locations of all bordering and isolated vegetated wetlands and land under water on the entire subdivision;
- b. ownership of parcels adjacent to the project site;
- c. delineation of the limit of work ("building envelope") for all lots, roads, driveways, sidewalks, drainage, utilities, buildings, septic systems, wells, and accessory structures;
- d. calculation of the total cumulative square feet of bordering and isolated vegetated wetlands and land under water proposed to be altered for the entire subdivision;
- e. description of the impacts to wetlands and waters of the entire single and complete project; and
- f. description of the alternatives considered to avoid, minimize or mitigate impacts.

Subdivisions with recorded deed restrictions which provide notice to subsequent purchasers limiting the amount of fill for the entire subdivision to 5,000 square feet cumulatively, provided the discharge is not to an Outstanding Resource Water, do not require an individual 401 certification. A copy of the deed should be sent to the Regional office along with the Order of Conditions.

**Item B-6c:** See How To Apply Guide, item 3.

**Item B-7:** Alternatives Analysis

All 401 activities are subject to an alternatives analysis as part of DEP's certification review process. No discharge will be permitted if there is a practicable alternative which would have less adverse impact on the aquatic ecosystem. For non water-dependent projects, practicable alternatives



## **Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands and Waterways

401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands

# **BRP WW 10 Major Project Certification**

# **BRP WW 11 Minor Project Certification**

# **Guidance**

---

which do not involve a discharge of fill material are presumed to be available, unless clearly demonstrated otherwise. Practicable alternatives are presumed to have less adverse impact on the aquatic ecosystem.

Applicants must submit information with this application demonstrating that (a) no practicable alternative for the activity which does not involve the loss of wetlands is available and (b) appropriate and practicable steps have been taken to minimize potential adverse impacts including a minimum of 1:1 restoration or replication of wetlands. (See 310 CMR 10.55 (b) for minimum performance standards for replication). Minimizing impacts may mean, for example, limiting the base width of a driveway to 12 feet for access to a single family home, or installing a bridge or other spanning structure for access to an industrial park or subdivision. For projects proposing the loss of more than one acre of wetlands, DEP may consider an offsite alternatives analysis prepared through an Environmental Impact Report or a 404 permit by the Corps.

The scope of alternatives to be considered shall be commensurate with the scale and purpose of the proposed activity, the impacts of the proposed activity, and the classification, designation and existing uses of the affected wetlands and waters in the Surface Water Quality Standards at 314 CMR 4.00.

As a guide in preparing the response to this question, please consider the following: Is the project an expansion of existing work or is it new construction? Explain why the project must be located in or adjacent to wetlands. How could the project be redesigned to fit the site without affecting wetlands? How could the project be reduced and meet the project purpose? Have other sites been considered through MEPA or an individual Army Corps permit review? In recent years, have you sold or leased any lands located adjacent to the project site? Are there logistical (location, access, transportation, etc.) reasons that limit the alternatives considered? Are there technical limitations for the alternatives considered? Are there other reasons certain alternatives are not practicable? How do the costs compare for the alternatives considered?

### **Outstanding Resource Waters**

In certain waters and wetlands that are designated in the Massachusetts Surface Water Quality Standards (314 CMR 4.00) as Outstanding Resource Waters (ORWs), no discharge of fill material is permitted except for certain eligible activities. These activities are listed at 314 CMR 9.06 (3)(a) through (i).

For access to dwelling units in ORWs, alternatives analysis shall include: a span or other bridging technique for any number of dwelling units which will result in the loss of more than 5,000 sq. ft. or for ten or more units which will result in the loss of less than 5,000 sq. ft. For 4 to 9 units, which will result in the loss of less than 5,000 sq. ft., a span may be required to be considered in the alternatives analysis. For 3 or fewer units, which will



## Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands and Waterways

401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands

# BRP WW 10 Major Project Certification

# BRP WW 11 Minor Project Certification

## Guidance

---

result in the loss of less than 5,000 sq. ft., a span is presumed to not be practicable. These presumptions may be overcome, based on site conditions, the impact on the resource, and cost considerations. Applicants should reference relevant materials submitted with this application or the Notice of Intent to justify the scope of alternatives presented.

Under 314 CMR 9.06 (4), no discharge is permitted to certain waters and wetlands specifically identified in the Massachusetts Surface Water Quality Standards at 314 CMR 4.06(1)(d) as Outstanding Resource Waters (ORWs, e.g. vernal pools and wetlands/waters within 400 feet of a water supply reservoir) unless a variance is obtained pursuant to 314 CMR 9.08. To apply for a variance, submit this application and supporting materials to the Commissioner, \_ DWW DEP, 1 Winter Street, Boston, MA 02108.

**Item C-1:** If any component of the project is subject to 401 certification but not subject to the WPA and its regulations (310 CMR 10.00), please describe why and provide the following information:

- plans showing boundary and location of all bordering and isolated vegetated wetlands, land under water and coastal wetlands;
- information that describes the existing site conditions;
- information that describes the post construction conditions of the site;
- information that describes the proposed activity;
- names of all waterbodies;
- direction and flow of rivers and streams;
- name of river basin or embayment;
- mitigation measures proposed to protect waters and wetlands;
- location and area of any wetland replication areas proposed;
- location of certified vernal pools;
- location of any isolated vegetated wetland identified as habitat for rare and endangered species by the Division of Fisheries and Wildlife Natural Heritage Program; and
- storm water management plan and drainage calculations.

### Item C-2: Instructions for Public Notice

For an application to be considered complete, proof must be provided that the requirements for public notice have been met, including public notice in the *Environmental Monitor* for fill or excavation projects in ORWs. The *Environmental Monitor* is published twice per month by the Executive Office of Environmental Affairs, MEPA Unit. Filing deadlines are the 15th and last day of the month, unless the day falls on a Saturday, Sunday or Holiday in which case the next business day is used. Publication is 7 to 10 days following the filing deadline. (See Question 3 in the *How to Apply* guide for the MEPA Unit address and telephone number.)

The Public Notice must contain the information required at 314 CMR 9.05 (3)(a) through (g).



## Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands and Waterways

401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands

# BRP WW 10 Major Project Certification

# BRP WW 11 Minor Project Certification

## Guidance

---

Public notice must be published within 10 days of submitting a 401 application. In addition, a copy of the public notice should be sent to the conservation commission and DEP at the time of publication. Proof (e.g., a dated copy of the newspaper notice) that public notice has been published is a requirement of certification.

If the conservation commission is amenable to joint notice, applicants can append the following language to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, section 40, conservation commission hearing notice, such as:

*"An application for 401 Water Quality Certification is pending before the Department of Environmental Protection for [project name, brief description of activity] by [applicant's name and address, property owner name and address if different from applicant] on [location] in [city/town] for a [project purpose, e.g., subdivision]. Additional information may be obtained from [applicant/ contact person name], [address], [telephone]. Written comments should be addressed to: [DEP Regional Office], [Division of Wetlands and Waterways], [address] within twenty-one days of this notice. Any group of ten persons, any aggrieved person, or any governmental body or private organization with a mandate to protect the environment who submits written comments may appeal the Department's Certification. Failure to submit written comments before the end of the public comment period may result in the waiver of any right to an adjudicatory hearing."*

Joint notice may also be provided when an application is submitted for projects regulated by the Waterways Regulations under M.G.L. c. 91 and 310 CMR 9.00.

The following language is suggested for projects not regulated under the Massachusetts Wetlands Protection Act, when either the applicant or the conservation commission prefers separate public notice, or for a notice in the Environmental Monitor for fill or excavation projects in Outstanding Resource Waters:

*Massachusetts Department of Environmental Protection  
Division of Wetlands and Waterways  
[regional office]  
[address]  
[telephone]*

### *Public Notice*

*Pursuant to 33 U.S.C. 1341 and M.G.L. c. 21 §§ 26 - 53, notice is given of a 401 Water Quality Certification application for [project name, brief description of activity] by [applicant's name and address, property owner name and address if different from applicant] on [location] in [city/town] for a [project purpose, e.g., subdivision]. Additional information may be obtained from [applicant/ contact person name], [address], [telephone].*





**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands and Waterways

401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands

**BRP WW 10 Major Project Certification**

**BRP WW 11 Minor Project Certification**

**Guidance**

---

*Written comments should be sent to [DEP Regional Office], [Division of Wetlands and Waterways], [address] within twenty-one days of this notice.*

*Any group of ten persons, any aggrieved person, or any governmental body or private organization with a mandate to protect the environment who submits written comments may appeal the Department's Certification. Failure to submit written comments before the end of the public comment period may result in the waiver of any right to an adjudicatory hearing.*



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands and Waterways  
401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands  
**BRP WW 10 Major Project Certification**  
**BRP WW 11 Minor Project Certification**  
**Permit Fact Sheet**

---

**1. What is the purpose of these certifications?**

A 401 Water Quality Certification is required under the federal Clean Water Act for certain activities in wetlands and waters. This law gives states the authority to review projects that must obtain federal licenses or permits and that result in a discharge to state waters, including excavating and fill in wetlands. The purpose of state 401 review is to ensure that a project will comply with state water quality standards and other appropriate requirements of state law. Statutory authority for this certification is stated in the federal Clean Water Act, 33 USC 1341, and the Massachusetts Clean Water Act, M.G.L. Chapter 21, sections 26-53. Regulatory authority for this certification is found in 314 CMR 9.00. Water quality standards referenced in the certification are found in 314 CMR 4.00.

**2. Who must apply?**

All persons who propose any activity that results in a discharge from fill or excavating in waters subject to regulation by the U.S. Army Corps of Engineers, Federal Energy Regulatory Commission or other federal agency, must obtain a 401 Water Quality Certification.

Examples of activities requiring certification include filling and excavating in bordering and isolated vegetated wetlands or waters. If no federal permit is needed for an activity, then no 401 certification is required from DEP. For information on the applicability of Section 404 of the Clean Water Act, or Section 10 of the Rivers and Harbors Act, the applicant is advised to consult the Corps of Engineers at 1-800-362-4367.

All persons who propose dredging greater than 100 cubic yards should complete the **401 Water Quality Certification for Dredging and Dredged Material Disposal** application form which is enclosed in a separate application kit.

There are two categories of water quality certification which concern discharge, fill, and excavation projects: major project (BRP WW 10) and minor project (BRP WW 11) certifications. *BRP WW 10 was formerly BRP WP 39, and BRP WW 11 was formerly BRP WP 40.*

**Major Fill/Excavation Project Certification (BRP WW 10):**

Major Fill/Excavation Project Certification includes projects with:

- a cumulative loss of more than 5,000 square feet of bordering and isolated vegetated wetland and land under water, except for routine maintenance projects meeting the criteria of 314 CMR 9.04(5) and agricultural limited projects meeting the criteria of 314 CMR 9.04(1);
- a loss of any amount of vegetated wetland or land under water involving



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands and Waterways  
401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands  
**BRP WW 10 Major Project Certification**  
**BRP WW 11 Minor Project Certification**  
**Permit Fact Sheet**

---

outstanding resource waters, rare species in an isolated vegetated wetland, salt marsh, an individual 404 permit, or activities where DEP invokes discretionary authority pursuant to 314 CMR 9.04(11) to require an application for an individual water quality certification.

**Minor Fill/Excavation Project Certification (BRP WW 11):**

Minor project certification includes projects with:

- a cumulative loss of up to 5,000 square feet of bordering and isolated vegetated wetland and land under water involving real estate subdivisions required to file applications for individual water quality certifications under the provisions of 314 CMR 9.04(3), activities exempt under M.G.L. Chapter 131, section 40, under the provisions of 314 CMR 9.04(4), or any activity subject to the provisions of 314 CMR 9.04(13);
- a cumulative loss of more than 5,000 square feet of vegetated wetland or land under water involving routine maintenance meeting the criteria of 314 CMR 9.04(5);
- any cumulative loss of vegetated wetland or land under water involving an agricultural limited product meeting the criteria of 314 CMR 9.04(10).

**Projects Excluded from 401 Review:**

The following project categories will be certified by DEP provided the specified conditions of 314 CMR 9.03 are met. No Water Quality Certification application need be filed for such projects unless the impacts to resource areas, or the project size increases from the description filed with the Notice of Intent, or there are any inaccuracies therein, in which case the applicant must notify DEP and request a determination that the criteria of 314 CMR 9.03 have been met before the activity begins.

- Projects not listed above as requiring a major or minor project certification, provided that such projects: have obtained a Final Order of Conditions permitting work which results in the loss of no more than 5,000 square feet cumulatively of bordering and isolated vegetated wetlands and land under water; meet the other conditions contained in 314 CMR 9.03(1).
- Beach nourishment activities with a Final Order of Conditions under the Wetlands Protection Act.
- Dredging and dredged material disposal projects not listed above as requiring a major or minor project certification, provided that a Final Order of Conditions has been issued.
- Agriculture or aquaculture exempt under the Wetlands Protection Act, in accordance with the provisions 314 CMR 9.03 (4).



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands and Waterways  
401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands  
**BRP WW 10 Major Project Certification**  
**BRP WW 11 Minor Project Certification**  
**Permit Fact Sheet**

---

- Projects in isolated vegetated wetlands not subject to the Wetlands Protection Act which will result in the loss of up to 5,000 square feet cumulatively of bordering and isolated vegetated wetlands and land under water, provided that there is no discharge of dredged or fill material in any habitat for rare and endangered species or to any Outstanding Resource Water.
- Activities that are temporary in nature, have negligible impacts, and are necessary for planning and design purposes such as the installation of monitoring wells, exploratory borings, sediment sampling, and surveying, provided that the requirements of 314 CMR 9.04 (6) are met.

**3. What other requirements should be considered when applying for these certifications?**

A copy of the Application Form must be sent to the conservation commission in the city or town where the work will occur.

Projects requiring 401 Water Quality Certification generally also are subject to the WPA (MGL c. 131, sec. 40) and its regulations (310 CMR 10.00). In addition, some projects may require MEPA review. Please carefully examine 301 CMR 11.00, the MEPA Regulations, to determine if your project exceeds the MEPA review thresholds, or for more information contact: MEPA Unit, Executive Office of Environmental Affairs, 100 Cambridge Street, Boston, MA 02202, 617-727-5830). **DEP cannot complete technical review of the permit application until the MEPA process has been concluded.** Copies of MEPA filings and certificates (with reference to any applicable Transmittal numbers) should be sent to the appropriate Regional Office.

Applicants proposing projects in Outstanding Resource Waters are required to publish notice in the *Environmental Monitor*, pursuant to the MEPA regulations, 301 CMR 11.00.

State agencies may not issue state permits until 60 days after a Final Environmental Impact Report, if required, has been noticed in the *Environmental Monitor* (301 CMR 11.20(1)).

**Note:** These additional requirements are intended to serve as a guide to the applicant. It does not necessarily include **all** additional requirements.

**4. What are the application fees for these certifications?**

BRP WW 10 Major Project.....\$400  
BRP WW 11 Minor Project .....\$80



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands and Waterways  
401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands  
**BRP WW 10 Major Project Certification**  
**BRP WW 11 Minor Project Certification**  
**Permit Fact Sheet**

---

**5. What is the Primary Permit Location? What is the Reserve Copy Location?**

*Primary Permit Location:*

For all applications:

**Department of Environmental Protection**  
**Division of Wetlands**

**\*Regional Office**

**\*See "DEP Addresses and Phone Numbers" page included in this package.**

*There are no reserve copy locations.*

**6. What are the timelines?**

As of November 3, 1995, these are the effective timelines:

	<b>AC</b>	<b>T1</b>	<b>T2*</b>
<b>BRP WW 10</b>	30	120	120
<b>BRP WW 11</b>	30	90	90

\*(A second technical review will take place only if necessary).

*Please see Item C-2 in the Application Instructions for information regarding Public Notice requirements for this permit. Public comment period runs concurrently with other review periods.*

**7. What is the annual compliance fee?**

There is no annual compliance assurance fee for water quality certifications.

**8. How long are these certifications in effect?**

The water quality certification is in effect as long as the federal permit which required it, unless there is a term stated in the certification.

**9. How can I avoid the most common mistakes made in applying for these certifications?**

- a. Be sure all bordering and isolated vegetated wetlands and land under water boundaries are clearly delineated on project plans submitted with the Notice of Intent, or separately if the project is not subject to 310 CMR 10.00.
- b. Provide separate calculations for the amount of square feet of each resource type (bordering vegetated wetland, isolated vegetated wetland and land under water) proposed to be lost. Provide the cumulative total square feet of the resource areas to be lost. The area proposed to be lost from the impacts of the activity, which may include filling, draining, excavating or flooding, should be calculated separately from the area proposed to be restored or replicated.



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands and Waterways

401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands

**BRP WW 10 Major Project Certification**

**BRP WW 11 Minor Project Certification**

**Permit Fact Sheet**

---

- c. Be sure construction methods and sequence of activities in wetlands and waters are clearly described.
- d. Be sure all applicable supplemental documents are provided with your application, including project plans and MEPA certificates.
- e. Submit fee and one copy of the DEP Transmittal Form to: Department of Environmental Protection, P.O. Box 4062, Boston, MA 02211.

**10. What are the regulations that apply to these certifications and where can I get copies?**

These regulations include, but are not limited to:

- a. 401 Water Quality Certification Regulations, 314 CMR 9.00.
- b. Surface Water Quality Standards, 314 CMR 4.00.
- c. Wetlands Protection Act Regulations, 310 CMR 10.00.
- d. Timely Action Schedule and Fee Provisions, 310 CMR 4.00.
- e. Rules for Adjudicatory Hearings, 310 CMR 1.00.
- f. Massachusetts Environmental Policy Act Regulations, 301 CMR 11.00.

These may be purchased at:

**State Bookstore (in State House)**  
**Room 116**  
**Boston, MA 02133**  
**617-727-2834**

**State Bookstore**  
**436 Dwight Street, Room 102**  
**Springfield, MA 01102**  
**413-784-1376**



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands and Waterways

401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands

**BRP WW 10 Major Project Certification**

**BRP WW 11 Minor Project Certification**

**Application Completeness Check List**

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- ☐ The DEP Transmittal Form is completed.
- ☐ The Application Form for Water Quality Certification has been completed.
- ☐ A copy of the Wetlands Notice of Intent has been completed, unless the project is exempt from the Wetlands Protection Act.
- ☐ If the project is subject to the Wetlands Protection Act and if the Final Order of Conditions has been issued, a copy of the Final Order of Conditions.
- ☐ Information required for DEP's alternatives analysis.
- ☐ Copies of MEPA filings and certificates have been provided, if required.
- ☐ Proof has been submitted that the requirement at 314 CMR 9.05(3) to publish notice in the Environmental Monitor for fill or excavation projects in an Outstanding Resource Water has been met (copy of the Environmental Monitor notice).
- ☐ Proof has been submitted that the public notice requirement at 314 CMR 9.05(3)(a) through (g) has been met (copy of the dated newspaper notice).
- ☐ For projects involving the creation of a real estate subdivision with deed restrictions limiting the amount of fill for the single and complete project to 5,000 square feet cumulatively, proof that the deed restriction has been recorded as specified at 314 CMR 9.04(3) and a copy of the deed is submitted with the Order of Conditions.
- ☐ A copy of the 401 application is sent to the conservation commission in the town/city where the work will occur.
- ☐ For projects within the Quabbin, Ware, and Wachusett watersheds not regulated by the Watershed Protection Act regulations, pursuant to 350 CMR 11.06(4), a copy of the Request for Advisory Ruling under 350 CMR 11.06 (1)(a)1., or Request for Watershed Determination of Applicability pursuant to 350 CMR 11.06(2)(a)1., with the Metropolitan District Commission's Ruling or Determination.

To submit the application package:

- ☐ Checklist items have been completed.
- ☐ Send a copy of the application along with one copy from the DEP Transmittal Form to:

**Department of Environmental Protection**

**\* Regional Office**

**Division of Wetlands**

\*See "DEP Addresses and Phone Numbers" page included in this package.



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands and Waterways

401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands

**BRP WW 10 Major Project Certification**

**BRP WW 11 Minor Project Certification**

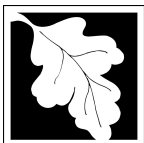
**Application Completeness Check List**

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- ☐ Send appropriate fee of: \$400 for BRP WW 10, \$80 for BRP WW 11,  
in the form of a check or money order made payable to *Commonwealth of Massachusetts*, along with  
one copy from the DEP Transmittal Form to:

Department of Environmental Protection  
P.O. Box 4062  
Boston, MA 02211





## Massachusetts Department of Environmental Protection

# Addresses and Phone Numbers

DEP Boston  
One Winter Street  
Boston, MA 02108  
Telephone: (617) 292-5500  
Fax: (617) 556-1049  
TDD: (617) 574-6868

William X. Wall Experiment Station  
37 Shattuck Street  
Lawrence, MA 01843  
Fax: (978) 688-0352  
*Division of Environmental Analysis*  
Telephone: (978) 682-5237  
*Air Quality Surveillance*  
Telephone: (978) 975-1138

Office of Watershed  
Management  
627 Main Street  
Worcester, MA 01608  
Telephone: (508) 792-7470  
Fax: (508) 839-3469

Millbury Training Center  
Route 20 Millbury, MA 01527  
Telephone: (508) 368-5600  
Fax: (508) 755-9253  
*Residuals Sludge Management*  
Telephone: (508) 368-5606  
*WWT Operator Certification*  
Telephone: (508) 368-5698

DEP Western Region  
436 Dwight Street  
Suite 402  
Springfield, MA 01103  
Phone: (413) 784-1100  
Fax: (413) 784-1149



Adams  
Agawam  
Alford  
Amherst  
Ashfield  
Becket  
Belchertown  
Bernardston  
Blandford  
Brimfield  
Buckland  
Charlemont  
Cheshire  
Chester  
Chesterfield  
Chicopee  
Clarksburg

Colrain  
Conway  
Cummington  
Dalton  
Deerfield  
Easthampton  
East Longmeadow  
Egremont  
Erving  
Florida  
Gill  
Goshen  
Granby  
Granville  
Great Barrington  
Greenfield  
Hadley

Hampden  
Hancock  
Hatfield  
Hawley  
Heath  
Hinsdale  
Holland  
Holyoke  
Huntington  
Lanesborough  
Lee  
Lenox  
Leverett  
Leyden  
Longmeadow  
Ludlow  
Middlefield

Monroe  
Montague  
Monterey  
Montgomery  
Monson  
Mount Washington  
New Ashford  
New Marlborough  
New Salem  
North Adams  
Northampton  
Northfield  
Orange  
Otis  
Palmer  
Pelham  
Peru

Pittsfield  
Plainfield  
Richmond  
Rowe  
Russell  
Sandisfield  
Savoy  
Sheffield  
Shelburne  
Shutesbury  
Southampton  
South Hadley  
Southwick  
Springfield  
Stockbridge  
Sunderland  
Tolland

Tyringham  
Wales  
Ware  
Warwick  
Washington  
Wendell  
Westfield  
Westhampton  
West Springfield  
West Stockbridge  
Whately  
Wilbraham  
Williamsburg  
Williamstown  
Windsor  
Worthington

DEP Central Region  
627 Main Street  
Worcester, MA 01608  
Phone: (508) 792-7650  
Fax: (508) 792-7621  
TDD: (508) 767-2788



Acton  
Ashburnham  
Ashby  
Athol  
Auburn  
Ayer  
Barre  
Bellingham  
Berlin  
Blackstone  
Bolton  
Boxborough  
Boylston  
Brookfield

Charlton  
Clinton  
Douglas  
Dudley  
Dunstable  
East Brookfield  
Fitchburg  
Gardner  
Grafton  
Groton  
Harvard  
Hardwick  
Holden  
Hopedale

Hopkinton  
Hubbardston  
Hudson  
Holliston  
Lancaster  
Leicester  
Leominster  
Littleton  
Lunenburg  
Marlborough  
Maynard  
Medway  
Mendon  
Milford

Millbury  
Millville  
New Braintree  
Northborough  
Northbridge  
North Brookfield  
Oakham  
Oxford  
Paxton  
Pepperell  
Petersham  
Phillipston  
Princeton  
Royalston

Rutland  
Shirley  
Shrewsbury  
Southborough  
Southbridge  
Spencer  
Sterling  
Stow  
Sturbridge  
Sutton  
Templeton  
Townsend  
Tyngsborough  
Upton

Uxbridge  
Warren  
Webster  
Westborough  
West Boylston  
West Brookfield  
Westford  
Westminster  
Winchendon  
Worcester

DEP Southeast Region  
20 Riverside Drive  
Lakeville, MA 02347  
Phone: (508) 946-2700  
Fax: (508) 947-6557  
TDD: (508) 946-2795



Abington  
Acushnet  
Attleboro  
Avon  
Barnstable  
Berkley  
Bourne  
Brewster  
Bridgewater  
Brockton  
Carver  
Chatham  
Chilmark

Dartmouth  
Dennis  
Dighton  
Duxbury  
Eastham  
East Bridgewater  
Easton  
Edgartown  
Fairhaven  
Fall River  
Falmouth  
Foxborough  
Franklin

Freetown  
Gay Head  
Gosnold  
Halifax  
Hanover  
Hanson  
Harwich  
Kingston  
Lakeville  
Mansfield  
Marion  
Marshfield  
Mashpee

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Middleborough  
Nantucket  
New Bedford  
North Attleborough  
Norton  
Norwell  
Oak Bluffs  
Orleans  
Pembroke  
Plainville  
Plymouth  
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Raynham  
Rehoboth  
Rochester  
Rockland  
Sandwich  
Scituate  
Seekonk  
Sharon  
Somerset  
Stoughton  
Swansea  
Taunton

Tisbury  
Truro  
Wareham  
Wellfleet  
West Bridgewater  
Westport  
West Tisbury  
Whitman  
Wrentham  
Yarmouth

DEP Northeast Region  
1 Winter Street  
Boston, MA 02108  
Phone: (617) 654-6500  
Fax: (617) 556-1049  
TDD: (617) 574-6868



Amesbury  
Andover  
Arlington  
Ashland  
Bedford  
Belmont  
Beverly  
Billerica  
Boston  
Boxford  
Braintree  
Brookline  
Burlington  
Cambridge  
Canton  
Carlisle

Chelmsford  
Chelsea  
Cohasset  
Concord  
Danvers  
Dedham  
Dover  
Dracut  
Essex  
Everett  
Framingham  
Georgetown  
Gloucester  
Groveland  
Hamilton  
Haverhill

Hingham  
Holbrook  
Hull  
Ipswich  
Lawrence  
Lexington  
Lincoln  
Lowell  
Lynn  
Lynnfield  
Malden  
Manchester-By-The-Sea  
Marblehead  
Medfield  
Medford  
Melrose

Merrimac  
Methuen  
Middleton  
Millis  
Milton  
Nahant  
Natick  
Needham  
Newbury  
Newburyport  
Newton  
Norfolk  
North Andover  
North Reading  
Norwood  
Peabody

Quincy  
Randolph  
Reading  
Revere  
Rockport  
Rowley  
Salem  
Salisbury  
Saugus  
Sherborn  
Somerville  
Stoneham  
Sudbury  
Swampscott  
Tewksbury  
Topsfield

Wakefield  
Walpole  
Waltham  
Watertown  
Wayland  
Wellesley  
Wenham  
West Newbury  
Weston  
Westwood  
Weymouth  
Wilmington  
Winchester  
Winthrop  
Woburn



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**Projects in waters and Wetlands**

Transmittal Number # \_\_\_\_\_

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## A. Applicant Information

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Which permit category are you applying for?

☐ BRP WW 10      ☐ BRP WW 11

2. Applicant/Owner:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Telephone (home)

\_\_\_\_\_  
(work)

3. Authorized Agent

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Contact Person

\_\_\_\_\_  
Telephone (home)

\_\_\_\_\_  
(work)



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## **B. Project Information**

1. Project Location:

\_\_\_\_\_

Address

\_\_\_\_\_

City/Town

\_\_\_\_\_

State

\_\_\_\_\_

Zip Code

\_\_\_\_\_

Nearest or Adjacent Waterbody

2. Project Name (if any):

\_\_\_\_\_

\_\_\_\_\_

3. a. Describe project purpose:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- b. Is the project

☐ water-dependent

☐ non water-dependent



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**B. Project Information** (cont.)

4. a. provide a brief description of the proposed project (See Application Instructions and include a copy of the Notice of intent, if any.):

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- b. Notice of Intent File number (if any):

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5. Identify the loss in square feet of each type of resource area (see Application Instructions for additional information.):

- a. Bordering vegetated wetland:

\_\_\_\_\_ square feet

- b. Isolated vegetated wetland:

\_\_\_\_\_ square feet

- c. Land under water:

\_\_\_\_\_ square feet

- d. Total cumulative loss of a. + b. + c.:

\_\_\_\_\_ square feet

- e. Salt marsh:

\_\_\_\_\_ square feet

6. a. Will the proposed project occur in any wetlands or waters designated as "Outstanding Resource Waters"?

☐ Yes

☐ No

If yes has public notice been published in the Environmental Monitor?

☐ Yes

☐ No

\_\_\_\_\_ Date of Publication

- b. Is this project a subdivision or any part of a subdivision?

☐ Yes

☐ No

- c. Is the project categorically subject to MEPA?

☐ Yes

☐ No

If yes, has final action been taken?

☐ Yes

☐ No

If yes, please include copy of MEPA certificate.



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**B. Project information** (cont.)

7. Alternatives Analysis:

As related to the project purpose, attach a detailed description of alternatives to the proposed project that were considered and why none are available that avoid adverse impacts to wetlands and waters.

If no alternatives are available, describe how the activity will minimize or mitigate the adverse impacts to wetlands and waters.

See application instructions for information required. Attach required documentation.

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**C. Additional Information**

1. Is any of your proposed work exempt from the Massachusetts Wetlands Protection Act or taking place in a federal non-state wetland?

☐ Yes      ☐ No

If yes, see Application Instructions for additional information needed.

2. Public notice to a newspaper of general circulation within the area of the proposed activity must be published within 10 days of the date of this application. Is proof of public notice submitted?

☐ Yes      ☐ No

(See Application Instructions for additional information)

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**D. Certification**

Application is hereby made for water quality certification.

"I certify that I am familiar with the work proposed and that to the best of my knowledge and belief the information contained in this application is true, complete, and accurate"

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Agent's Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date